DEFAULT STANDARD FOR ACCESS TO SOURCE CODE

Absent agreement among the parties, the following procedures shall apply to ensure secure access to source code:

1.   A single electronic copy of source code or executable code shall be made available for inspection on a stand-alone computer.

2.   The stand-alone computer shall be password protected and supplied by the source code provider.

3.   The stand-alone computer shall be located with an independent escrow agent, with the costs of such to be shared by the parties. If the parties cannot agree on such an agent, each party shall submit to the court the name and qualifications of their proposed agents for the court to choose.

4.   Access to the stand-alone computer shall be permitted, after notice to the provider and an opportunity to object, to two (2) outside counsel representing the requesting party and two (2) experts retained by the requesting party, all of whom have been approved under the protective order in place. No one from the provider shall have further access to the computer during the remainder of discovery.

5.   Source code may not be printed or copied without the agreement of the producing party or further order of the court.